

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 20, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Program Administrator
Michele Atkinson, Legal Analyst
Amy Goobic, Administrative Assistant

No representative was present from the Office of the Attorney General.

Ms. McIntyre, Chair, called the meeting to order at 9:04 a.m.

Call to Order

Ms. McIntyre requested the section observe a moment of silence for APELSCIDLA Board member Bill Spell, Landscape Architect, who passed away April 17, 2009.

Moment of Silence For Bill Spell

Ms. McIntyre advised the section of the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Stephenson moved to approve the agenda with an adjustment in the order of items. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

Section members reviewed a letter sent from the Attorney General's office to The Honorable Robert Bell, Virginia House of Delegates. Delegate Bell had inquired whether the *Virginia Code* authorizes localities to require the review and approval of boundary survey plats and physical survey plats by local planning officials as a prerequisite to recordation, and also whether clerks of

Attorney General Response to The Honorable Robert B. Bell regarding

the circuit court are authorized to refuse to record boundary survey plats and physical survey plats until after the review and approval of such plats by local planning officials.

**recording of
boundary plats**

The Attorney General's office responded that localities are not authorized to require the review and approval of boundary survey plats and physical survey plats as a prerequisite for recording. It was further their opinion that circuit court clerks may not refuse to record such plats based solely on the lack of such review and approval from the local planning official.

Ms. Nosbisch gave a brief report on the 2009 NCEES NE Zone Meeting and read a letter from NCEES Executive Director Jerry Carter, thanking the Board for their efforts and an email from former Board member Doyle Allen, also thanking Ms. Nosbisch and staff.

**Discussion of
2009 NCEES NE
Zone Meeting**

Ms. Nosbisch informed the Section of a letter received from the West Virginia Board of Registration for Professional Engineers, announcing that their Board President Joe Timms, is under consideration for the position of NCEES President-Elect.

Mr. Stephenson, Ms. McIntyre and Mr. McAden all offered their thanks to Ms. Nosbisch and staff for their efforts in coordinating the NE Zone Meeting. Ms. Nosbisch thanked APELSCIDLA staff members Sheree Dean and Marian Brooks for their time and dedication to the Zone meeting.

Ms. Scott was present and addressed the Section members regarding the recommendation contained in the Summary of the Informal Fact-Finding Conference. Ms. Scott did not agree with the recommendation and requested experience time be granted for her teaching time in California. Section members requested a more detailed description of her teaching experience, which Ms. Scott provided.

**File Number
2009-03412, Erin
T. Scott**

Regarding **File Number 2009-03412, Erin T. Scott**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. McAden moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which recommends the following:

"I recommend that Scott be given an additional 1 year and 2 months experience credit for time at Kier & Wright, and 2 years of experience credit at Versar, and 3 months experience credit for college surveying and technical classes, for a total additional experience of 3 years and 5 months. Scott needs to submit an additional 1 year and 6 months of verified experience."

Mr. Stephenson seconded the motion which was unanimously approved by members: McAden and Stephenson.

As the presiding Board member, Ms. McIntyre was not present during the presentation, discussion, or vote.

Regarding **File Number 2009-01586, James David Ribble, Jr.**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Ribble.

File Number
2009-01586,
James David
Ribble, Jr.

Mr. McAden moved to recommend that the Board accept an amended Consent Order in which Mr. Ribble admits to the following violations of the Board's regulations: 18VAC10-20-380.C.1 (Count 1); 18VAC10-20-380.C.5 (Count 2); 18VAC10-20-380.C.6 (Count 3); 18VAC10-20-380.C.10 (Count 4); 18VAC10-20-380.C.15 (Count 5); and 18VAC10-20-380.C.17 (Count 6). For these violations, Mr. Ribble agrees to following monetary penalties: \$100.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$100.00 for the violation contained in Count 3; \$100.00 for the violation contained in Count 4; \$100.00 for the violation contained in Count 5; \$100.00 for the violation contained in Count 6 and \$150.00 in Board costs, for a total of \$750.00. Mr. McAden amended the Consent Order by adding that Mr. Ribble was to complete coursework on regulations and boundary surveys. If Mr. Ribble does not agree to the amended Consent Order, he will be able to request, in writing, an Informal Fact-Finding Conference. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden and McIntyre.

As the presiding Board member, Mr. Stephenson was not present during the presentation, discussion, or vote.

The Section members took a break from 9:45 a.m. to 9:59 a.m.

Break

Mr. Gardner was present to address the Section members. Mr. Gardner discussed the violation counts as presented to him in the Summary of the Informal Fact-Finding Conference. Section members requested clarification on several plats that had been presented in the case, which Mr. Gardner provided. A letter from the complainant, Andrew Dudley, was provided to the Section members and Mr. Gardner. Mr. Dudley stated that he felt the findings of the Informal Fact-Finding Conference and the recommendations were fair.

File Number
2008-02678,
Benjamin Russell
Gardner

Regarding **File Number 2008-02678, Benjamin Russell Gardner**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Stephenson

moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.B (Count 1), Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. McAden moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.C.4 (Count 2), Mr. Stephenson seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. Stephenson moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.D.2.d (Count 3), Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. McAden moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.C.5 (Count 4), Mr. Stephenson seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. Stephenson moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.D.2.k (Count 5), Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. Stephenson moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.D.2.f (Count 6), Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. Mr. Stephenson moved to recommend that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, which cites a violation of 18VAC10-20-370.D.1 (Count 7), Mr. McAden seconded the motion which was unanimously approved by members: McAden and Stephenson. The Section found no violation of 18VAC10-20-740.C (Count 8), therefore Count 8 contained in the Informal Fact-Finding Conference was closed.

Ms. Atkinson informed the Section that Mr. Gardner had no prior violations. For these violations, Mr. Gardner agrees to the following monetary penalties: \$1,000.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$250.00 for the violation contained in Count 3; \$500.00 for the violation contained in Count 4; \$100.00 for the violation contained in Count 5; \$100.00 for the violation contained in Count 6; \$250.00 for the violation contained in Count 7, for a total of \$2,450.00.

Mr. Stephenson moved to recommend that the Board accept the sanctions as recommended. Mr. McAden seconded the motion which was unanimously approved by members: Stephenson and McAden.

As the presiding Board member, Ms. McIntyre was not present during the presentation, discussion, or vote.

Ms. Nosbisch informed the Section members that the Board had received the first foreign photogrammetrist application. Discussion was held on the evaluation process and the 'grandfather provision.' The Section agreed that although there is a grandfather provision, foreign applicants must still have foreign degrees authenticated and evaluated, as well as pass a TOEFL iBT.

Other Business

Discussion was held on the list of reference material the Section uses for exam evaluations. Ms. McIntyre suggested that the Section members divide the list to determine what reference items were deemed necessary to include in an electronic compilation for exam review.

Mr. McAden inquired about exam results for review. Ms. McIntyre advised the Section that the results were not available yet.

Conflict of Interest forms were completed by all members present.

**Conflict of
Interest Forms**

There being no further business, the meeting was adjourned at 10:49 a.m.

Adjourn

Nancy E. McIntyre, Chair

Jay W. DeBoer, Secretary